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UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF VIRGINIA

CHAPTER 13 PLAN AND RELATED MOTIONS

Name of Debtor(s): Theresa R. Wooten	Case No: 10-30336
This plan, dated February 3, 2010 , is:	
the <i>first</i> Chapter 13 plan filed in this case. a modified Plan, which replaces the confirmed or unconfirmed Plan dated.	
Date and Time of Modified Plan Confirming Hea	aring:
Place of Modified Plan Confirmation Hearing:	
The Plan provisions modified by this filing are:	
Creditors affected by this modification are:	

NOTICE: YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you oppose any provision of this Plan, or if you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you MUST file a timely written objection.

This Plan may be confirmed and become binding, and the included motions in paragraphs 3, 6, and 7 to value collateral, avoid liens, and assume or reject unexpired leases or executory contracts may be granted, without further notice or hearing unless a written objection is filed not later than seven (7) days prior to the date set for the confirmation hearing and the objecting party appears at the confirmation hearing. Objection due date: . Confirmation hearing is set for April 21, 2010 @ 11:00 a.m. 701 E.Broad Street, Richmond VA 5th Floor Rm 5100. If no objections are timely filed, a confirmation hearing will NOT be held.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets: \$515,451.00

Total Non-Priority Unsecured Debt: \$172,332.00

Total Priority Debt: **\$0.00**Total Secured Debt: **\$500,000.00**

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- Funding of Plan. The debtor(s) propose to pay the trustee the sum of \$100.00 Monthly for 1 months, then \$600.00 1. Monthly for 59 months. Other payments to the Trustee are as follows: NONE . The total amount to be paid into the plan is \$ **35,500.00**
- 2. **Priority Creditors.** The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.
 - A. Administrative Claims under 11 U.S.C. § 1326.
 - 1. The Trustee will be paid the percentage fee fixed under 28 U.S.C. § 586(e), not to exceed 10%, of all sums disbursed except for funds returned to the debtor(s).
 - 2. Debtor(s)' attorney will be paid \$ 2,124.00 balance due of the total fee of \$ 3,000.00 concurrently with or prior to the payments to remaining creditors.
 - В. Claims under 11 U.S.C. §507.

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid prior to other priority creditors but concurrently with administrative claims above:

Creditor	Type of Priority	Estimated Claim	Payment and Term
Commonwealth of VA-Tax	Taxes and certain other debts	0.00	Prorata
			0 months
Internal Revenue Service	Taxes and certain other debts	0.00	Prorata
			0 months

- 3. Secured Creditors: Motions to Value Collateral ("Cramdown"), Collateral being Surrendered, Adequate Protection Payments, and Payment of certain Secured Claims.
 - Motions to Value Collateral (other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) or by A. the final paragraph of 11 U.S.C. § 1325(a)). Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion to value collateral as set forth herein.

This section deals with valuation of certain claims secured by real and/or personal property, other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) [real estate which is debtor(s)' principal residence] or by the final paragraph of 11 U.S.C. § 1325(a) [motor vehicles purchased within 910 days or any other thing of value purchased within 1 year before filing bankruptcy], in which the replacement value is asserted to be less than the amount owing on the debt. Such debts will be treated as secured claims only to the extent of the replacement value of the collateral. That value will be paid with interest as provided in sub-section D of this section. You must refer to section 3(D) below to determine the interest rate, monthly payment and estimated term of repayment of any "crammed down" loan. The deficiency balance owed on such a loan will be treated as an unsecured claim to be paid only to the extent provided in section 4 of the Plan. The following secured claims are to be "crammed down" to the following values:

Creditor Collateral Purchase Date Est Debt Bal. Replacement Value -NONE-

В. Real or Personal Property to be Surrendered.

Upon confirmation of the Plan, or before, the debtor(s) will surrender his/her/their interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled may be paid as a non-priority unsecured claim. Confirmation of the Plan shall terminate the automatic stay as to the interest of the debtor(s) and the estate in the collateral.

Creditor Collateral Description Estimated Value **Estimated Total Claim** Aurora Loan Services **SURRENDER FORCLOSED 6/2009** 175,000.00 180,000.00

300 West 26th Street, Richmond, VA

23225

Debtor's Estimate - \$175,000 (house in

area)

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<u>Creditor</u> **Aurora Loan Services** Collateral Description
SURRENDER FORCLOSED 6/2009
1611 Fairfax Avenue, Richmond, VA
23225

Estimated Value **75,000.00**

Estimated Total Claim

100,000.00

C. Adequate Protection Payments.

The debtor(s) propose to make adequate protection payments required by 11 U.S.C. § 1326(a) or otherwise upon claims secured by personal property, until the commencement of payments provided for in sections 3(D) and/or 6(B) of the Plan, as follows:

Creditor

Collateral Description

Adeq. Protection Monthly Payment

To Be Paid By

-NONE-

Any adequate protection payment upon an unexpired lease of personal property assumed by the debtor(s) pursuant to section 6(B) of the Plan shall be made by the debtor(s) as required by 11 U.S.C. § 1326(a)(1)(B) (payments coming due after the order for relief).

D. Payment of Secured Claims on Property Being Retained (except only those loans provided for in section 5 of the Plan):

This section deals with payment of debts secured by real and/or personal property [including short term obligations, judgments, tax liens and other secured debts]. After confirmation of the Plan, the Trustee will pay to the holder of each allowed secured claim, which will be either the balance owed on the indebtedness or, where applicable, the collateral's replacement value as specified in sub-section A of this section, whichever is less, with interest at the rate provided below, the monthly payment specified below until the amount of the secured claim has been paid in full. Upon confirmation of the Plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed with and sustained by the Court.

<u>Creditor</u> -NONE- Collateral

Approx. Bal. of Debt or "Crammed Down" Value

Interest Rate

Monthly Paymt & Est. Term**

E. Other Debts.

Debts which are (i) mortgage loans secured by real estate which is the debtor(s)' primary residence, or (ii) other long term obligations, whether secured or unsecured, to be continued upon the existing contract terms with any existing default in payments to be cured pursuant to 11 U.S.C. § 1322(b)(5), are provided for in section 5 of the Plan.

4. Unsecured Claims.

- A. Not separately classified. Allowed non-priority unsecured claims shall be paid pro rata from any distribution remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately 5 %. The dividend percentage may vary depending on actual claims filed. If this case were liquidated under Chapter 7, the debtor(s) estimate that unsecured creditors would receive a dividend of approximately 0 %.
- B. Separately classified unsecured claims.

Creditor -NONE-

Basis for Classification

Treatment

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- 5. Mortgage Loans Secured by Real Property Constituting the Debtor(s)' Primary Residence; Other Long Term Payment Obligations, whether secured or unsecured, to be continued upon existing contract terms; Curing of any existing default under 11 U.S.C. § 1322(b)(5).
 - A. **Debtor(s) to make regular contract payments; arrears, if any, to be paid by Trustee.** The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below, without interest unless an interest rate is designated below for interest to be paid on the arrearage claim and such interest is provided for in the loan agreement.

Creditor Countrywide Home Lending	Collateral Location: 2124 Providence Glen Turn, Richmond VA (Chesterfield County)	Regular Contract Payment 1,542.00	Estimated Arrearage 16,440.00	Arrearage Interest Rate 0%	Estimated Cure Period 33 months	Monthly Arrearage Payment Prorata
Suntrust Bank	Location: 2124 Providence Glen Turn, Richmond VA (Chesterfield County)	433.00	1,000.00	0%	33 months	Prorata

B. Trustee to make contract payments and cure arrears, if any. The Trustee shall pay the creditors listed below the regular contract monthly payments that come due during the period of this Plan, and pre-petition arrearages on such debts shall be cured by the Trustee either pro rata with other secured claims or with monthly payments as set forth below.

		Regular			Monthly
		Contract	Estimated Interest	Term for	Arrearage
Creditor	Collateral	Payment	Arrearage Rate	Arrearage	Payment
-NONE-		_ 			

C. Restructured Mortgage Loans to be paid fully during term of Plan. Any mortgage loan against real estate constituting the debtor(s)' principal residence upon which the last scheduled contract payment is due before the final payment under the Plan is due shall be paid by the Trustee during the term of the Plan as permitted by 11 U.S.C. § 1322(c)(2) with interest at the rate specified below as follows:

		Interest	Estimated	
Creditor	<u>Collateral</u>	Rate	<u>Claim</u>	Monthly Paymt& Est. Term**
-NONE-				

- **6. Unexpired Leases and Executory Contracts.** The debtor(s) move for assumption or rejection of the executory contracts and leases listed below.
 - A. Executory contracts and unexpired leases to be rejected. The debtor(s) reject the following executory contracts.

Creditor	Type of Contract
-NONE-	

B. Executory contracts and unexpired leases to be assumed. The debtor(s) assume the following executory contracts. The debtor agrees to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.

			Monthly	
			Payment	Estimated
Creditor	Type of Contract	Arrearage	for Arrears	Cure Period
-NONE-				

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- 7. Liens Which Debtor(s) Seek to Avoid.
 - A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f). The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien. If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

<u>Creditor</u> <u>Collateral</u> <u>Exemption Amount</u> <u>Value of Collateral</u>

B. Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f). The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for information purposes only.

<u>Creditor</u> <u>Type of Lien</u> <u>Description of Collateral</u> <u>Basis for Avoidance</u>

- 8. Treatment and Payment of Claims.
 - All creditors must timely file a proof of claim to receive payment from the Trustee.
 - If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the Plan, the creditor may be treated as unsecured for purposes of distribution under the Plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
 - If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the Plan.
 - The Trustee may adjust the monthly disbursement amount as needed to pay an allowed secured claim in full.
- **Vesting of Property of the Estate.** Property of the estate shall revest in the debtor(s) upon confirmation of the Plan. Notwithstanding such vesting, the debtor(s) may not sell, refinance, encumber real property or enter into a mortgage loan modification without approval of the Court after notice to the Trustee, any creditor who has filed a request for notice and other creditors to the extent required by the Local Rules of this Court.
- **10. Incurrence of indebtedness.** The debtor(s) shall not voluntarily incur additional indebtedness exceeding the cumulative total of \$5,000 principal amount during the term of this Plan, either unsecured or secured against personal property, except upon approval of the Court after notice to the Trustee, any creditor who has filed a request for notice, and other creditors to the extent required by the Local Rules of this Court.
- 11. Other provisions of this plan:
 - (1) Upon confirmation of this plan, priority creditors are granted relief from the automatic stay only to the extent necessary to offset any pre-petition tax refund due to the debtor against any pre-petition tax liability owed by the debtor.
 - (2) Debtor's attorney's fees to be paid as a priority claim.
 - (3) The trustee can extend the plan up to 60 months to pay properly filed claims in this matter.
 - (4) The debtor will not MODIFY THE DEED, SELL, REFINANCE, OR MODIFY THE MORTGAGE without an order from the court.

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Signatures:				
Dated: <u>Ja</u>	nuary 27, 2010			
/s/ Theresa F	R. Wooten		/s/ Pia J. North	
Theresa R. V	Vooten		Pia J. North 29672	
Debtor			Debtor's Attorney	
Exhibits:	Copy of Debtor(s)' I Matrix of Parties Se	Budget (Schedules I and J); erved with Plan		
		Certificate of S	ervice	
I cert attached Servi		, 2010 , I mailed a copy of the	foregoing to the creditors and parties in interest on the	:
		/s/ Pia J. North		
		Pia J. North 29672		
		Signature		
		8014 Midlothian Tpke; Su Richmond, VA 23235-529		
		Address	·	
		(804) 323-3700		
		Telephone No.		

Ver. 09/17/09 [effective 12/01/09]

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B6I (Official Form 6I) (12/07)

In re	Theresa R. Wooten		Case No.	10-30336	
		Debtor(s)			

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status:	tor's Marital Status: DEPENDENTS OF DEBTOR AND SPOUSE					
Married	RELATIONSHIP(S): Daughter Son Son		AGE(S): 1/19 10/2 6/20	2001		
Employment:	DEBTOR			SPOUSE		
Occupation	Teacher	Loan	Officer			
Name of Employer	Chesterfield County Public Schools	Suntr	ust Mort	gage		
How long employed	August 2003	July 2				
Address of Employer	P.O. Box 10 Chesterfield, VA 23832					
INCOME: (Estimate of avera	ge or projected monthly income at time case filed)	•		DEBTOR		SPOUSE
1. Monthly gross wages, salar	y, and commissions (Prorate if not paid monthly)		\$	3,429.36	\$	2,667.62
2. Estimate monthly overtime			\$	0.00	\$	0.00
3. SUBTOTAL			\$	3,429.36	\$_	2,667.62
4. LESS PAYROLL DEDUC	TIONS					
a. Payroll taxes and soci			\$	256.74	\$	281.36
b. Insurance	•		\$	1,355.50	\$	0.00
c. Union dues			\$	0.00	\$	0.00
d. Other (Specify):	Anticipated reduction of 3% begining August 2	010	\$	27.26	\$	0.00
(4)			\$	0.00	\$	0.00
5. SUBTOTAL OF PAYROL	L DEDUCTIONS		\$	1,639.50	\$	281.36
6. TOTAL NET MONTHLY	TAKE HOME PAY		\$	1,789.86	\$_	2,386.26
	tion of business or profession or farm (Attach detailed st.	atement)	\$	0.00	\$	0.00
8. Income from real property			\$	0.00	\$ _	0.00
9. Interest and dividends			\$	0.00	\$ _	0.00
dependents listed above	support payments payable to the debtor for the debtor's u	se or that of	\$	0.00	\$_	0.00
11. Social security or governm (Specify):	nent assistance		\$	0.00	\$	0.00
			\$	0.00	\$	0.00
12. Pension or retirement inco	ome		\$	0.00	\$	0.00
•	ailed Income Attachment		\$	100.00	\$_	1,922.00
14. SUBTOTAL OF LINES 7	THROUGH 13		\$	100.00	\$_	1,922.00
15. AVERAGE MONTHLY I	INCOME (Add amounts shown on lines 6 and 14)		\$	1,889.86	\$	4,308.26
16. COMBINED AVERAGE	MONTHLY INCOME: (Combine column totals from lin	ne 15)		\$	6,198	3.12

(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data) Case 10-30336-KLP Doc 14 Filed 02/03/10 Entered 02/03/10 11:17:39 Desc Main Document Page 8 of 12

B6I (Official Form 6I) (12/07)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

Debtor does not anticipate any changes in income or expenses except Husband's income is based on average commission over the last six months. He doesn't expect any increase as interest rates are going up.

Husband's business is renting residential room units. Over the last year he has shown a business loss. Anticpated income represents a small profit.

Debtor has been advised that the new contract begining August 2010 will reduce gross wages by 3-4%.

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B6I (Official Form 6I) (12/07)

In re	Theresa R. Wooten		Case No.	10-30336
		Debtor(s)		

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

Detailed Income Attachment

Other Monthly Income:

Husband's average bring home on commission	\$ 0.00	\$ 1,775.00
Amortized tax refund	\$ 100.00	\$ 100.00
Husband's anticpated profit \$2,900 Income - \$2,853 Expenses	\$ 0.00	\$ 47.00
Total Other Monthly Income	\$ 100.00	\$ 1,922.00

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B6J (Official Form 6J) (12/07)

In re	Theresa R. Wooten		Case No.	10-30336	
		Debtor(s)			

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate.		
expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22		
☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Comple expenditures labeled "Spouse."	ete a separat	e schedule of
1. Rent or home mortgage payment (include lot rented for mobile home)	\$	1,542.00
a. Are real estate taxes included? Yes No X	Ψ	,
b. Is property insurance included? Yes No X		
2. Utilities: a. Electricity and heating fuel	\$	170.00
b. Water and sewer	\$	38.00
c. Telephone	\$	44.00
d. Other See Detailed Expense Attachment	\$	288.00
3. Home maintenance (repairs and upkeep)	\$	80.00
4. Food	\$	661.34
5. Clothing	\$	250.00
6. Laundry and dry cleaning	\$	43.00
7. Medical and dental expenses	\$	100.00
8. Transportation (not including car payments)	\$	433.33
9. Recreation, clubs and entertainment, newspapers, magazines, etc.	\$	40.00
10. Charitable contributions	\$	0.00
11. Insurance (not deducted from wages or included in home mortgage payments)	Φ.	0.00
a. Homeowner's or renter's	\$	0.00
b. Life	\$	125.00
c. Health	\$	0.00
d. Auto	\$	138.00
e. Other	\$	0.00
12. Taxes (not deducted from wages or included in home mortgage payments) (Specify) Personal Property Tax	\$	12.50
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the	Ψ	
plan)		
a. Auto	\$	0.00
b. Other See Detailed Expense Attachment	\$	1,632.95
14. Alimony, maintenance, and support paid to others	\$	0.00
15. Payments for support of additional dependents not living at your home	\$	0.00
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$	0.00
17. Other	\$	0.00
Other	\$	0.00
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)	\$	5,598.12
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:		
20. STATEMENT OF MONTHLY NET INCOME	=	
a. Average monthly income from Line 15 of Schedule I	\$	6,198.12
b. Average monthly expenses from Line 18 above	\$	5,598.12
c. Monthly net income (a. minus b.)	\$	600.00

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B6J (Official Form 6J) (12/07) In re Theresa R. Wooten

Tesa IV. Wooten

Case No. **10-30336**

Debtor(s)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Detailed Expense Attachment

Other Utility Expenditures:

Gas	\$	50.00
Cell Phone	<u> </u>	127.00
Internet	<u> </u>	44.00
Cable	<u> </u>	44.00
Trash	\$	23.00
Total Other Utility Expenditures	\$	288.00

Other Installment Payments:

Grooming and toilitries (\$40 x 5 person)	\$ 200.0
Misc. expenses	\$ 100.0
Vehicle upkeep 1998,1999, 1999	\$ 160.0
Second Mortgage	\$ 433.0
Daycare \$150 week	\$ 649.9
School activites/fees for 2 children	\$ 40.0
Diapers	\$ 50.0
Total Other Installment Payments	\$ 1,632.9

Acacollect Case 10-30336-KLP 6116 N Central Exp Dallas, TX 75206

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Wilmington, DE 19850

Aurora Loan Services PO BOX 5180 Denver, CO 80217 GE Money Bank P.O. Box 960061 Orlando, FL 32896-0061

Bank Of America Po Box 17054 Wilmington, DE 19850 Midland Cred 8875 Aero Dr Suite 200 San Diego, CA 92123

Chase Bank Usa, Na Po Box 15298 Wilmington, DE 19850 Midland Credit Mgmt 8875 Aero Dr San Diego, CA 92123

Chase BankCard Services, Inc. Post Office Box 52188 Phoenix, AZ 85072-2188 Nordstrom FSB Attention: Bankruptcy Department Po Box 6566 Englewood, CO 80155

Citibank Sd, Na Po Box 6241 Sioux Falls, SD 57117 Samuel I. White, P.C. 5040 Corporate Woods Drive Suite 120 Virginia Beach, VA 23462

Citibank Sd, Na Pob 6241 Sioux Falls, SD 57117 Sears/cbsd Po Box 6189 Sioux Falls, SD 57117

Citifinancial Retail Services Po Box 140489 Irving, TX 75014 Suntrust Bank Po Box 85052 Richmond, VA 23285

Countrywide Home Lending Attention: Bankruptcy SV-314B Po Box 5170 Simi Valley, CA 93062

Credit Control Corp 11821 Rock Landing Newport News, VA 23612